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**MORRISON & FOERSTER LLP**

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**To:** MS Amendment  
 U.S. Patent and Trademark Office

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**From:** Gregory P. Einhorn

**Date:** October 27, 2004

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**Comments:**

Attorney Docket: 577122000200  
 Group Art Unit: 1654  
 Examiner: B. Chism  
 Serial No.: 09/719,889  
 Filing Date: (Int'l) June 18, 1999  
 Inventor(s): Earl R. OWEN et al.  
 Title: METHOD OF TISSUE REPAIR II

Papers attached:

1. Transmittal Form (1 page)
2. Fee Transmittal (1 page + duplicate for fee processing)
3. Petition for 2-month Extension of Time (1 page)
4. Amendment in Response to Office Action of May 27, 2004 (24 pages)

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SD-227343

PTO/SB/21 (04-04)

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## TRANSMITTAL FORM

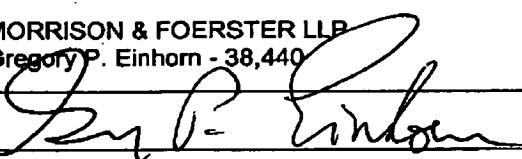
(to be used for all correspondence after initial filing)

		Application Number	09/719,889
		Filing Date	(Int'l) June 18, 1999
		First Named Inventor	Earl R. OWEN
		Art Unit	1654
		Examiner Name	B. Chism
Total Number of Pages in This Submission	29	Attorney Docket Number	577122000200

**ENCLOSURES (Check all that apply)**

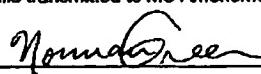
<input checked="" type="checkbox"/> Fee Transmittal Form (1 page + duplicate)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply (24 pages)	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request (1 page)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Fax Cover Sheet (1 page)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
Customer No. 25225		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	MORRISON & FOERSTER LLP Gregory P. Einhorn - 38,440
Signature	
Date	October 27, 2004

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Dated: October 27, 2004

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PTO/SB/M7 (10-04)

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 632.00)

Complete If Known	
Application Number	09/719,889
Filing Date	(Int'l) June 18, 1999
First Named Inventor	Earl R. OWEN
Examiner Name	B. Chism
Art Unit	1654
Attorney Docket No.	577122000200

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  Other  None
 Deposit Account:

Deposit Account Number 03-1952

Deposit Account Name Morrison &amp; Foerster LLP

The Director is authorized to: (check off that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee
1002	350	2002	175	Design filing fee
1003	550	2003	275	Plant filing fee
1004	790	2004	395	Reissue filing fee
1005	180	2005	80	Provisional filing fee

SUBTOTAL (1) (\$ 0.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-78** =	Extra Claims	Fee from below	Fee Paid
95	-78** =	17	x 9 =	153.00
Independent Claims	9	-3** =	6 x 44 =	264.00

Multiple Dependent

Large Entity	Small Entity	Fee Description
1202	18	2202 9 Claims in excess of 20
1201	88	2201 44 Independent claims in excess of 3
1203	300	2203. 150 Multiple dependent claim, if not paid
1204	88	2204 44 ** Reissue independent claims over original patent
1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 417.00)

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	60	2052 25 Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	430	2252 215 Extension for reply within second month	215.00
1253	980	2253 490 Extension for reply within third month	
1254	1,530	2254 765 Extension for reply within fourth month	
1255	2,080	2265 1,040 Extension for reply within fifth month	
1401	340	2401 170 Notice of Appeal	
1402	340	2402 170 Filing a brief in support of an appeal	
1403	300	2403 150 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,330	2453 685 Petition to revive - unintentional	
1501	1,370	2501 685 Utility issue fee (or reissue)	
1502	490	2502 245 Design issue fee	
1503	880	2503 330 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1808	180	1808 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	790	2809 395 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810 385 For each additional invention to be examined (37CFR 1.129(b))	
1801	790	2801 395 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 215.00)

SUBTOTAL (3) (\$ 215.00)

(Complete if applicable)

Name (Print/Type)	Gregory P. Einhorn	Registration No. (Attorney/Agent)	38,440	Telephone	(858) 720-5133
Signature		Date	October 27, 2004		

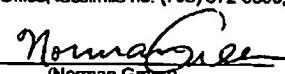
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Dated: October 27, 2004      Signature:   
(Norman Green)

Docket No.: 577122000200 / 30347USP00  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Earl R. OWEN et al.

Application No.: 09/719,889

Art Unit: 1654

Filed: (Int'l) June 18, 1999

Examiner: B. Chism

For: METHOD OF TISSUE REPAIR II

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

Applicants respectfully request entry of the amendment and consideration of the remarks set forth herein. A non-final Office Action on the merits was mailed May 27, 2004. A response was initially due August 27, 2004. Applicants herein submit a petition for a two month extension of time to October 27, 2004, under 37 C.F.R. §1.136, with the appropriate fee under 37 C.F.R. §1.17. Accordingly, this Response is timely filed.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments begin on page 16 of this paper.**

sd-227298